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In re Application of: :  
ZEGE, et al. :  
U.S. Application No.: 10/089,979 : DECISION ON PETITION  
PCT No.: PCT/R00/00238 :  
International Filing Date: 20 June 2000 :  
Priority Date: 05 August 1999 :  
Attorney's Docket No.: None :  
For: METHOD FOR COMBINED PROCESSING OF :  
DIESEL FUEL :

This decision is issued in response to applicant's 29 April 2003 submission, treated herein as a petition under 37 CFR 1.181 to confirm the 30 September 2002 filing of a timely response to the decision mailed herein on 26 July 2002. No petition fee is required.

### **BACKGROUND**

On 26 July 2002, a "Decision On Petition Under 37 CFR 1.137(b)" was mailed herein. The decision granted applicant's petition for revival of the application. However, the decision noted that the declarations filed by applicants were not acceptable in that they did not identify all the inventors. In addition, the decision noted that the inventor listed on the declaration as Jury Zharchenkov was identified on the published international application as Jury Kharchenkov. The decision granted applicant two months in which to file a proper response, that is, a proper oath or declaration and an acceptable explanation with respect to the discrepancy in the inventor's name.

On 06 September 2002, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an acceptable oath or declaration in compliance with 37 CFR 1.497.

On 29 April 2003, applicants filed the petition considered herein. The petition asserts that a response to the 26 July 2002 decision, including a revised declaration, was timely filed on 30 September 2002. The petition includes a copy of the 30 September 2002 submission and a copy of a return postcard that itemizes the response (including the declaration) and bears a USPTO receipt stamp dated 30 September 2002.

### **DISCUSSION**

Based on applicants' statements in the present petition and the attached return postcard, it is concluded that the "Response To Decision On Petition Under 37 CFR 1.137(b)" and the revised declaration attached to the present petition were originally filed on 30 September 2002.

Based on the certification under 37 CFR 1.8 contained on the "Response To Decision On Petition Under 37 CFR 1.137(b)," dated 25 September 2002, this submission is considered a timely response to the decision mailed by this Office on 26 July 2002.

The declaration included with the 30 September 2002 submission complies with the requirements of 37 CFR 1.497. In addition, the submission includes an acceptable explanation confirming that the name of inventor Jury Zharchenkov is properly listed on the declaration, and that the incorrect identification of this inventor as Jury Kharchenkov in the international application was the result of a transliteration error (see MPEP § 605.04(b): where an error in the spelling of an inventor's name results from a transliteration error, a petition under 37 CFR 1.182 is not required).

### CONCLUSION

Applicants' petition under 37 CFR 1.181 is **GRANTED**. The "Response To Decision On Petition Under 37 CFR 1.137(b)" and revised declaration attached to the present petition are considered to have been filed on 30 September 2002 as a timely response to the decision mailed herein on 26 July 2002.

The name of record for the second inventor is accepted as Jury N. Zharchenkov, as set forth in the declaration.

The Notification Of Missing Requirements mailed 06 September 2002, which required submission of declaration materials already required by the decision mailed 26 July 2002, is hereby **VACATED**.

This application is being returned to the National Stage Processing Branch of the Office of PCT Operations for further processing in accord with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 30 September 2002.



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